

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 12:</b> Foster Family Home Licensing	<b>Effective Date:</b> 3/1/07
	<b>Section 21:</b> Revocations	<b>Version:</b> 1

<b>POLICY</b>	<b>OLD POLICY: 613.2</b>
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The licensing worker **shall** recommend revocation of a foster family home license if the licensee or the licensee's employee or volunteer who has regular and continuous direct contact with children supervised by the licensee has:

1. Disqualifying criminal history identified by the DCS Central Office Background Check Unit based upon the results of the Federal Bureau of Investigation transcript or the fingerprint based Indiana criminal history check
2. A conviction for a felony and all requests for a disqualification exemption have been denied
3. Made false statements on the application or the records required for licensure
4. Failed to meet requirements of the Indiana licensing law and rules, federal regulations or [Indiana State Department of Health \(ISDH\)](#) requirements

The licensing worker may recommend revocation to the DCS Director or designee who **may** revoke a foster family home license if:

1. A substantiated report of child abuse or neglect has occurred naming the licensee, household member, or an employee or volunteer who has regular and continuous direct contact with children supervised by the licensee, as the perpetrator. Refer to separate policy, Chapter 12, [Investigation for Negative Licensing Action](#)
2. Any individuals living in the home, other than the licensee, have criminal or juvenile history
3. The home is determined to be unsuitable for children
4. The licensee or household members violate DCS policies applicable to licensed foster family homes
5. The licensee fails to meet the terms of the probationary corrective action plan within twelve months

DCS will not allow a licensee to voluntarily relinquish their foster care license once the revocation process has begun.

DCS will not place children in a home whose license is pending revocation or has been revoked.

An indicated finding is not a basis for revocation.

#### Code References

[465 IAC 2-1: Licensing of Boarding Homes for Children](#)

[470 IAC 1-4: Administrative Appeals](#)

[IC 31-27-4-22: Notice of enforcement actions; informal meetings](#)

[IC 31-27-4-23: Administrative hearings](#)

[IC 31-27-4-24: Procedure for administrative hearings](#)

[IC 31-27-4-25: Issuance of decisions](#)

[IC 31-27-4-30: Notice](#)

[IC 31-27-4-32: Grounds for revocation of license](#)

[IC 31-27-4-33: Compliance with rules; disciplinary sanctions; revocation of license](#)

## PROCEDURE

For all revocations, the licensing worker will:

1. Enter the revocation request into ICWIS and submit to the Central Office Licensing Unit for approval
2. Develop a revocation recommendation letter containing the following:
  - a. Any specific statute or rule with which the foster family home is not in compliance
  - b. A general description, in letter form, of the elements which constitute the non-compliance or other grounds for revocation referencing the documentation or observations supporting the decision
  - c. The efforts made by the licensing worker to notify the foster family home licensee and remedy the non-compliance, when appropriate
3. Send a hard copy of the revocation recommendation letter to the Central Office Licensing Unit Manager. Each revocation recommendation letter must be signed by the local DCS office director and the local DCS office attorney, or the LCPA director or their designee. Emails will not be accepted
4. Remove all the children under the care and supervision of the local office or LCPA and notify other counties with children in the home to remove their children

Upon receipt and approval of the recommendation to revoke, the Central Office Licensing Unit Manager will:

1. Forward the recommendation to the DCS Director or designee for review and determine if the action also needs to be reviewed by a Central Office DCS attorney
2. Send a certified Revocation Letter to the foster family home when the decision is made to revoke the license. The letter needs to state the following:
  - a. The effective date of the license revocation is 30 days after the date of receipt of the certified revocation letter to the licensee
  - b. The nature of the allegation(s) of non-compliance and the documentation in support of the allegation(s)
  - c. The right to request, within 10 days after receipt of the certified notice, an informal meeting with the local office director of the county in which the home is located
  - d. The right to appeal the decision within 30 days of receipt of the letter
  - e. The statutory authority of the DCS to issue and revoke licenses and of civil and criminal penalties for operating without a license
3. Send a copy of the Revocation Letter to the licensing worker for their files

Upon receipt and denial of the recommendation to revoke a license, the Central Office Licensing Unit Manager will send notification of the denial to the licensing agency. The licensing agency will follow-up as necessary.

If the foster family home appeals, the local DCS legal counsel will be required to represent the local office or LCPA at all Administrative Appeal Hearings.

If the foster family home appeals, Hearings and Appeal staff will schedule and notify the following of the hearing:

1. DCS attorney
2. Central Office Licensing Unit Manager
3. Foster Family Home

If the licensee does not appeal, or upon the final decision approving the revocation through the administrative hearing process and the home has not ceased operation, the Central Office Licensing Unit Manager will:

1. Notify the prosecuting attorney in the county where the home is located and the Attorney General of Indiana regarding the illegal operation. The Attorney General's office defends in any suits filed in court by the licensee (e.g. judicial review)
2. Notify any other agency responsible for supervision of the child in the home that the license has been revoked

#### **PRACTICE GUIDANCE**

- N/A

#### **FORMS AND TOOLS**

- N/A

#### **RELATED INFORMATION**

All substantiated findings of abuse or neglect must be forwarded to Central Office Residential Licensing Unit manager for evaluation.

Upon receipt of the substantiated investigation, the licensing worker will:

1. Evaluate the investigative findings and forward ALL substantiated cases of abuse or neglect to Central Office Licensing Unit Manager
2. If necessary, process the recommendation for probationary or negative action in ICWIS, after review by the DCS local office director/designee or the LCPA director and attorney.
3. Submit recommendation to Central Office Licensing Unit Manager for approval
4. Cooperate with the Central Office Licensing Unit by providing necessary records, documentation, and witnesses upon the request of the Central Office Licensing Unit
5. Submit all completed investigative reports to the Central Office Licensing Unit Manager

Upon receipt of the results of the allegations and investigations, Central Office Licensing Unit Manager or designee will:

1. Gather and review additional information as needed
2. Make decisions concerning any appropriate sanctions and provide direction and recommendations to the licensing staff
3. Inform the appropriate parties of decision